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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,852	09/28/2001	Pekka Talmola	04770.00024	2368
22907	7590	09/19/2007	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2623	
			MAIL DATE	DELIVERY MODE
			09/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/964,852	TALMOLA ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
	Reuben M. Brown	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 June 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-40 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/19/07

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/25/2007 have been fully considered but they are not persuasive. Applicant argues that Hylton does not teach the newly amended feature of the gateway, 'de-multiplexing a data stream of each of the first data stream'. Examiner respectfully disagrees and points out that Fig. 7 & Fig. 9 of Hylton clearly show MPEG demux 13, ATM demux 13, respectively, which are both followed by multiplexers 15. The demux circuits are indeed components of the program selectors 13, shown in Fig. 1.

Hylton teaches that the shared processing system 10 receives streams data, de-multiplexes the instant streams of data and broadcast the programs by wireless multiplexing, then modulation to the appropriate STT 100.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 & 15-17 rejected under 35 U.S.C. 102(b) as being anticipated by Hylton, (U.S. Pat # 5,708,961).

Considering claim 1 the claimed method of distributing a data stream locally, comprising;

‘receiving first transmission from a digital broadcast network by means of a gateway terminal’ is met by the shared processing system 10, in Hylton, Fig. 1, which receives video programming from a Digital Broadband Network 5.

‘processing’ and ‘re-transmitting the first transmission via wireless digitally modulated local broadband’ is met by the discussion in Hylton that video programming is received from the Digital Broadband Network 5 and retransmitted within the user home wireless network, via a modulator 17, see col. 4, lines 55-67; col. 6, lines 19-44 & Fig. 1.

'receiving the wireless digitally modulated broadband second transmission by at least one multimedia terminal', is met by the operation of the set top terminal 100, col. 7, lines 35-67 thru col. 8, lines 1-45.

The amended claimed feature wherein the processing, 'includes de-multiplexing a data stream of each of the transmission', Hylton discloses at least two embodiments of the shared processing system 10 that shows that the program selectors 13 are comprised of MPEG de-multiplexers or ATM de-multiplexers (Fig. 7; Fig. 9; col. 29, lines 60-67 thru col. 30, lines 1-29; col. 36, lines 55-60).

Considering claim 15, the modulator 17 in Hylton, at least uses QAM, col. 6, lines 18-30.

Considering claim 16, Hylton teaches that two-way signaling uses the 902-928 MHz frequency band, col. 8, lines 18-34.

Considering claim 17, the claimed feature is broad enough to read on the discussion in Hylton that video programming and signaling uses frequency hopping techniques.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-10 & 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton, in view of Candelore, (US-PGPUB 2002/0188567).

Considering claims 2, 4 & 10, regarding the claimed feature of, 're-multiplexing at least part of the data stream with a locally stored data resulting in the wireless digitally modulated transmission', Hylton teaches that the video programming from the Digital Broadband Network 5 is de-multiplexed by the Program Selectors 13, before being transmitted to the set top terminals 100, Fig. 9; col. 42, lines 63-67 thru col. 43, lines 1-15.

However, Hylton does not teach storing data locally. Nevertheless, Candelore teaches locally storing and distributing video data, at least to and from the Hard Disk Recording Unit 150, Fig. 1; Para [0030-0031], [0062] & [0064]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hylton to store data locally, for the desirable advantage of allowing the subscriber to maintain a library of video programs which can be copied and/or viewed multiple times based on the copy protection and/viewership restrictions

adopted by the content provider, as taught by Candelore, see Para [0005], [0045], [0048] & [0059].

Considering claim 3, the Digital VCR 140 & Hard Disk Recording Unit 150, in Candelore stores video data, as well as multiple media data.

Considering claims 5-9 & 13-14, Hylton does not discuss any aspects of scrambling video data. Nevertheless, Candelore discloses that scrambling is a technique used to restrict video programming to only authorized viewers. Regarding claim 6, Candelore goes on to teach that a video program may be broadcast through the air in scrambled form, then descrambled by the receiver 110 (descrambler unit 340) in order to be shown on display 160, and also re-scrambled by Re-Scrambler Unit 350, in order for storage in the Hard Disk Recording Unit 150, see Para [0041-0046]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hylton with the feature of re-scrambling a received video program, for the benefit of allowing the content provider greater control over its reproduction, as taught by Candelore, see Para [0009-0012], [0048].

As for the additionally claimed feature of a password, Candelore teaches that a viewer needs to fulfill certain requirements in order to view scrambled content, such as timely purchase via various pay for view scenarios, Para [0059], but does not discuss the use of a password to additionally control access. Official Notice is taken that at the time the invention was made, the use of password protection to restrict accounts to authorized account holders was old in the art. It

would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hylton & Candelore to use password protection, for the known purpose of preventing unauthorized users from access the subscriber's account.

Considering claim 10, Candelore teaches that the video program may be at least be stored in the Hard Disk Recording Unit 150, Para [0030-0031].

6. Claims 11-12, 18-19, 21 & 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton, in view of Janik, (U.S. Pat # 7,107,605).

Considering claims 11-12, the claimed second transmission in a frequency allocated for free use, such as an ISM frequency, Hylton discloses that the modulator 17 may transmit the programming to terminals using channels that are the same or similar to a broadcast TV channel, col. 6, lines 18-35. However, Hylton does teach that the signaling messages between the set top terminals and the shared processing system 10 are transmitted in the one of the ISM bands, (902-928 MHz), see col. 8, lines 18-34; col. 19, lines 24-56 & col. 20, lines 1-30.

Hylton though, does not specifically disclose that the video data may be transmitted in one of the ISM bands. Nevertheless Janik, which is in the same field of endeavor, teaches a wireless home network alternatively operating in an ISM band (2.4 GHz), col. 1, lines 45-67 &

col. 5, lines 8-31. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hylton with the technology of alternatively transmitting the video programming in the ISM band, as disclosed by Janik at least for the known advantage of more easily avoiding interference in the other bands.

Considering claims 18-19 & 21, the claimed elements of a gateway terminal for receiving and transmitting data stream that correspond with the features presented in claim 1, are likewise treated. The additionally claimed feature of, 'the second transmission by a broadband digital transmission at a frequency allocated to free use', corresponds with subject matter mentioned above in the rejection of claims 11-12, and is likewise treated.

Considering claims 27-28, the combination of Hylton & Janik (col. 5, lines 11-30; col. 6, lines 1-67) reads on the claimed subject matter.

7. Claims 20, 22-26 & 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton & Janik, further in view of Candelore.

Considering claim 20, the claimed feature of, 'saving the first transmission temporarily at the gateway terminal' corresponds with subject mentioned above in the rejection of claim 2, and is likewise treated.

Considering claims 22-23, the claimed feature of, 'descrambling the first transmissions, if necessary' corresponds with subject mentioned above in the rejection of claim 5, and is likewise treated.

Considering claims 24-25, the MPEG converter in Hylton is included within the set top terminal, col. 14, lines 55-67 thru col. 15, lines 1-30. However, as discussed in the rejection of claims 5-6, Cadelore discloses descrambling, then re-scrambling a video program. The claimed MPEG A/D converter corresponds with the operation of the digital VCR 140 and hard disk recording unit 150 which is used to record analog or digital video, into digital format, Para [0030-0031].

Considering claim 26, Hylton discloses QAM modulation.

Considering claims 29-30 & 34-35, the Hylton (Fig. 7; col. 29 & col. 30) & Janik (col. 1, lines 45-67 & col. 5, lines 8-31) disclose all subject matter.

Considering claims 31-33, Janik teaches the use of IEEE 802.11 & HomeRF technologies.

Considering claim 36, both Hylton & Janik, disclose technology supporting two-way wireless communication.

Considering claims 37-40, the claimed features read on the general disclosure of Hylton (Fig. 1) & Janik (Fig. 1; Fig. 14; col. 6, lines 1-50; col. 17, lines 1-50).

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
REUBEN M. BROWN  
PATENT EXAMINER